Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 019-01404-6531-056	Date: 10/05/2019	Time: 1058	
Location: 1651 South Primrose Avenue		City or Station: Monrovia	
Bureau/Station/Facility: Transit Services Bureau / El Monte Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Impact Weapons / Personal Weapons / Takedown / Control Holds			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lieutenant Grall	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Thomas		First Name: Robert		Middle I.: A.	Rank: DSG
Sex: ◉ M ○ F	Race: W	Height: 510	Weight: 170	Age: [redacted]	Shift: ○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: TSB / El Monte Station			Work Assignment (Unit #, Module, etc.): Unit 658F			
Individual Force Used: Impact Weapons / Personal Weapons / Takedown			○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☒ Injured ☒ Treated ☐ Admitted	Facility: Methodist Hospital of Southern California				Coroner Case #:	

E2

Employee #: [redacted]	Last Name: [redacted]		First Name: [redacted]		Middle I.: [redacted]	Rank: DSG
Sex: ◉ M ○ F	Race: B	Height: 600	Weight: 220	Age: [redacted]	Shift: ○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: TSB / El Monte Station			Work Assignment (Unit #, Module, etc.): Unit 658F			
Individual Force Used: Control Holds / Takedown			○ Directed ○ Rescue ○ Medical Assist		Individual Category: ◉ 1 ○ 2 ○ 3	
☒ Injured ☒ Treated ☐ Admitted	Facility: Methodist Hospital of Southern California				Coroner Case #:	

E_

Employee #:	Last Name:		First Name:		Middle I.:	Rank:
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:			Work Assignment (Unit #, Module, etc.):			
Individual Force Used:			○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ○ 3	
☐ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #:	

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Moore	Delbert	B.	SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Carr	Jeremy	M	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Grall	David	M.	LT

Watch Commander / Supervising Lieutenant's **Signature:** [signature] Date: 4/29/2020 Copy Provided to Employee by: Emp #:

Unit Commander (**Print Name**): William E. Jaeger Unit Commander's **Signature**: Emp #: [redacted] Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

0 1 9 - 0 1 4 0 4 - 6 5 3 1 - 0 5 6

Suspect Information

S 1

Last Name: Herrera | First Name: Mario | Middle Name: Gonzalez | Armed? Select: Other

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 27 | Height: 510 | Weight: 125 | D.O.B: 07/18/92 | Phone #1: (●) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5765519 | Primary Charge Code: 245(c) PC | Secondary Charge Code: 69PC | ☒ Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Monrovia Fire Dept | Unit: Engine 102 | Phone #: 626-256-8181

Hospital Admission? ☒ | Rec'd Treatment At: Methodist Hospital | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Dr. Glenn Takei | Address: 300 Huntington Drive, Arcadia, 91007 | Phone #: 626-898-8000

Under Influence: (●) YES ( ) NO | Substance: Alcohol | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 10/05/2019 | Time: 1539 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 9 - 0 1 4 0 4 - 6 5 3 1 - 0 5 6

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Soriano	Jose	Luis	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
017-04482-2836-058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Herrera	S#1	Thomas/[redacted]	E#1/E#2	UC	NN	
Herrera	S#1	Thomas	E#1	OE	NN	
Herrera	S#1	Thomas	E#1	HR	DI	SH
Herrera	S#1	Thomas	E#1	HR	FR	HD
Herrera	S#1	Thomas	E#1	PO	LC	AR
Herrera	S#1	[redacted]	E#2	HR	CP	SH
Herrera	S#1	[redacted]	E#2	HR	BR	KN
Thomas	E#1	Herrera	S#1	BI	FR	LE
Thomas	E#1	Herrera	S#1	TT	NN	LE
Thomas	E#1	Herrera	S#1	CT	NN	BK
Thomas	E#1	Herrera	S#1	PH	NN	BK
[redacted]	E#2	Herrera	S#1	TT	NN	SH
[redacted]	E#2	Herrera	S#1	CT	NN	AR

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category 3 Use of Force** **Impact Weapon (PR-24) - Leg Fracture**
IAB FILE NUMBER:	**FO 2495208**
URN NUMBER	**019-01404-6531-056**
DATE/TIME:	**October 5, 2019; 1058 Hours**
LOCATION:	**1651 South Primrose Avenue, Monrovia**
	Monrovia Gold Line Station

SYNOPSIS

On October 5, 2019, Internal Affairs Bureau (IAB) Sergeant Jeremy Carr and Lieutenant David Grall responded to Methodist Hospital of Southern California (Arcadia Methodist Hospital) regarding a Category 3 use of force involving Transit Services Bureau (TSB) deputies assigned to the El Monte Station. The incident occurred on the south platform of the Monrovia Gold Line Station (Monrovia PAX).

On October 5, 2019, Deputies Robert Thomas (Deputy Thomas) and [redacted] (Deputy [redacted]) were assigned to the TSB El Monte Station, working as Unit 658F, a two-man patrol unit. At approximately 1047 hours, they received a call for service regarding a male passenger, Mario Herrera (Suspect Herrera), riding a Metro Gold Line train, who was belligerent and lying on the floor of the train (Refer to Incident History Report submitted in **Miscellaneous Documents**). The Metro Gold Line train was traveling westbound from the APU/Citrus Station toward the Monrovia PAX.

Deputies Thomas and [redacted] arrived at the Monrovia PAX as the train was pulling into the station. They were flagged down by the train operator, Jose Soriano (Witness Soriano), who asked them to remove Suspect Herrera from the train. Deputies Thomas and [redacted] contacted Suspect Herrera, who appeared to be sleeping with his legs across the aisle, resting on a seat, blocking the door to the train operator's cabin. They asked Suspect Herrera to exit the train and he complied.

As Suspect Herrera stepped onto the platform, Deputy Thomas told him to leave the area and that he could not get back on the train. Suspect Herrera, refused to leave and walked west toward the dead end of the platform. Deputy Thomas used his hands to guide Suspect Herrera back toward the east, where the exit was located. Suspect Herrera did not resist; however, he began to curse at Deputies Thomas and [redacted]. Suspect Herrera sat down on an adjacent bench and refused to exit the platform. Based on Suspect Herrera's uncooperative behavior, Deputy Thomas requested, via his handheld radio, for TSB dispatch to [redacted]

Suspect Herrera subsequently stood up and paced around the platform, until coming to rest near the south wall of the platform, still refusing to leave. Deputy Thomas backed away from Suspect Herrera, creating distance, and attempted to de-escalate the situation, hoping Subject Herrera would obey his orders to exit the platform. Through the Sheriff's Communication Center (SCC) Deputy Thomas requested, via his handheld radio, a sergeant respond to their location.

Shortly thereafter, Suspect Herrera sat down on the adjacent bench; however, he continued to refuse to exit the platform. Deputy [redacted] stood to the west of Suspect Herrera, and Deputy Thomas stood to his east. As Deputy Thomas continued to speak with Suspect Herrera, attempting to convince him to exit the platform, Deputy Thomas deployed his Department issued PR-24 (PR-24) baton [redacted]

While speaking to Suspect Herrera, Deputy Thomas observed the clip of a knife protruding from Suspect Herrera's front right pants pocket. Deputy Thomas advised Deputy [redacted] of his observations and instructed Suspect Herrera to keep his hands away from the knife. Suspect Herrera said, "Yes, I have a knife. Fuck you..." and subsequently reached for his front right pants pocket with his right hand. Deputy Thomas immediately swung his PR-24 at Suspect Herrera's right hand as he reached for the knife. Deputy Thomas inadvertently struck Suspect Herrera once in the right shin, as Suspect Herrera raised his right leg toward his waist, in what appeared to be a defensive position. The PR-24 strike appeared to be effective, as it prevented Suspect Herrera from retrieving the knife.

Deputy Thomas grabbed Suspect Herrera's right shoulder and torso, and Deputy [redacted] grabbed Suspect Herrera's left shoulder and torso, and they both pulled him to the ground. Suspect Herrera landed face down on his stomach with his right hand underneath his body. Deputy [redacted] was able to control Suspect Herrera's left hand and secured it in a handcuff. Deputy Thomas used his handheld radio to broadcast emergent radio traffic advising he and Deputy [redacted] were involved in a fight. Deputy Thomas used his body weight to control Suspect Herrera's head and shoulders as he continued to kick his legs and

attempted to push his torso up off the ground. Deputy Thomas was unable to pull Suspect Herrera's arm out from underneath his torso. Deputy Thomas used his right fist to punch Suspect Herrera approximately eight times in the lower back, in an effort to get Suspect Herrera to release his right arm. Deputy Thomas subsequently reached between Suspect Herrera's torso and the ground with his right arm in an attempt to retrieve the knife. Deputy Thomas immediately felt pressure and a sharp pain to the top of his right forearm. Upon viewing his forearm, Deputy Thomas saw he was bleeding and believed Suspect Herrera bit him. Deputy Thomas advised Deputy [redacted] that Suspect Herrera bit him. Deputy [redacted] subsequently used his right fist to punch Suspect Herrera approximately two more times in the lower back. The punches appeared to have the desired effect as Suspect Herrera eased his tension, allowing Deputies Thomas and [redacted] to pull Suspect Herrera's right arm from underneath his torso, allowing Deputy [redacted] to secure the other handcuff without further incident.

Deputies Thomas and [redacted] sat Suspect Herrera upright and leaned him against the south fence line. Deputy Thomas requested fire department personnel to respond their location in order for Deputies Thomas and [redacted], and Suspect Herrera to be treated for their injuries. All three were subsequently transported via ambulance to Arcadia Methodist Hospital for further treatment.

The use of force was reported to Sergeant Delbert Moore (Sergeant Moore) at the scene. All written reports documenting this incident were submitted under URN: 091-01404-6531-056 **[Exhibit A]**.

INVOLVED EMPLOYEE AND WORK HISTORY

Robert Thomas, Deputy Sheriff, #[redacted]
Special Operations Division
Transit Services Bureau: El Monte Station

Work History

Date of Employment:	December 22, 2008
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	

Equipment Worn On Person

Duty Weapon
Eight Duty Weapon Magazines
PR-24
Miniature Flashlight
Handcuffs (Four Sets)
Oleoresin Capsicum (OC) Spray

Portable Radio
Keys

[redacted], Deputy Sheriff, #[redacted]
Special Operations Division
Transit Services Bureau: El Monte Station

Work History

Date of Employment: [redacted]
Date Completed Patrol Training:
Prior Founded Force Incidents:

Equipment Worn On Person

Duty Weapon
Two Duty Weapon Magazines
Taser
Pocket Knife
Miniature Flashlight
Handcuffs (Two Sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Keys

SUSPECT INFORMATION

Mario Herrera
Male, Hispanic, DOB: July 18, 1992, 5'10", 125 pounds
[redacted]
CII #[redacted], MAIN #[redacted]

Suspect Herrera's Consolidated Criminal History Report (CCHRS) was submitted in **Miscellaneous Documents**.

SUSPECT'S INJURIES

As a result of the incident, Suspect Herrera sustained a fracture to his right tibia (commonly known as the shinbone), and a small laceration above the fracture to his right leg. He also sustained an approximate two-inch abrasion to the left side of his torso and a small abrasion to the top of his left shoulder. Suspect Herrera also complained of pain to his back. Refer to five photographs submitted as **Exhibit B**.

Suspect Herrera was treated for his injuries at the scene by personnel from the Monrovia Fire Department. He was subsequently transported to Arcadia Methodist Hospital for further treatment.

On October 9, 2019, IAB Sergeant Jeremy Carr conducted a telephonic interview with Doctor Glen Takei (Doctor Takei). Doctor Takei requested the interview not be recorded. Doctor Takei is an orthopedic surgeon and was the attending physician for Suspect Herrera while in the emergency room at Arcadia Methodist Hospital. Doctor Takei examined Suspect Herrera and discovered he had a fracture to his right tibia and a small laceration just above the fracture. Doctor Takei indicated the fracture appeared to be the result of blunt force trauma, caused by a "single blow." Refer to medical report from Arcadia Methodist Hospital submitted in **Miscellaneous Documents.**

DEPUTY PERSONNEL INJURIES

Deputy Thomas sustained an approximately four-inch laceration to the top of his right forearm and a small abrasion to his right elbow. He also sustained a "boxer's fracture" to his pinky and fourth finger on his right hand.

> **IAB Note:** A "boxer's fracture" is the break of the 5th metacarpal bones of the hand near the knuckle. Occasionally it is used to refer to fractures of the 4th metacarpal as well.

Deputy Thomas complained of pain to his right shoulder caused by a torn bicep tendon, which needed to be surgically repaired. Refer to four photographs submitted as **Exhibit C**.

Deputy [redacted] sustained a painful contusion to his right knee. He also complained of pain to his right shoulder. Refer to two photographs submitted as **Exhibit D**.

Deputies Thomas and [redacted]'s injuries were reported to Sergeant Moore and documented in **Exhibit A**.

PHYSICAL EVIDENCE

Red Milwaukee Fastback box cutter containing an approximate two-inch razor blade.

INVESTIGATOR'S OBSERVATIONS

Approximately four hours transpired from the use of force to IAB investigator's observations. Suspect Herrera was transported to Arcadia Methodist Hospital. He appeared alert and spoke in a coherent manner. Suspect Herrera wore a yellow and green hooded sweatshirt and blue and white boxer shorts. His leg

injury was treated and bandaged by medical staff prior to IAB investigator's arrival.

Deputies Thomas and [redacted] were treated and released from Arcadia Methodist Hospital, and subsequently transported to the TSB El Monte Station prior to IAB investigator's arrival.

At the scene, IAB investigators learned the Monrovia PAX was a two-track railway system traveling east and west. There were two passenger platforms equipped with awnings, benches, and automated ticket kiosks. One passenger platform was located to the north of the tracks. The second passenger platform was located to the south of the tracks.

WEAPON USED BY DEPUTY THOMAS

Deputy Thomas used his PR-24 baton to strike Suspect Herrera once on his right shin.

WEAPON USED BY SUSPECT HERRERA

Suspect Herrera was in possession of a red Milwaukee Fastback box cutter with an approximately two-inch blade. Refer to one photograph submitted as **Exhibit E**.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation was handled by TSB Detective Christine Castro, #[redacted] The Los Angeles County District Attorney's Office filed one felony count of 69 P.C. - Obstruct or Resist an Executive Officer, one felony count of 245(a)(4) P.C. - Assault with a Deadly Weapon with Force Likely to Cause Great Bodily Injury, and 245(c) P.C. - Assault with a Deadly Weapon on a Peace Officer. Refer to copy of Los Angeles County District Attorney Criminal Complaint under case #GA106642 submitted in **Miscellaneous Documents**.

The criminal case is pending a preliminary hearing scheduled for May 6, 2020, in Alhambra Court Department 5.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours with clear sunny skies.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEE STATEMENTS

DEPUTY ROBERT THOMAS

On January 23, 2020, and February 20, 2020, IAB Sergeants Jeremy Carr and Raymond Jones interviewed Deputy Thomas at the Internal Affairs Bureau. Deputy Thomas was represented by attorney Amy Johnson from Rains, Lucia, Stern, St. Phalle, & Silver, PC. The audio file and transcript were submitted with this case. The following is a summary of the interview:

On October 5, 2019, Deputies Thomas and [redacted] were assigned to the TSB El Monte Station. They were working as Unit 658F, a two-man unit. They had been regular partners for approximately one year.

Deputies Thomas and [redacted] received a call for service indicating a belligerent person was blocking the train operator's door on a Metro Gold Line train. The train was departing the APU/Citrus Station, heading westbound toward the Monrovia PAX. Deputies Thomas and [redacted] responded to the Monrovia PAX, and upon entering the platform, the train simultaneously arrived. Deputies Thomas and [redacted] were flagged down by Witness Soriano, who requested they remove Suspect Herrera from the train.

As they approached Suspect Herrera, Deputy Thomas observed him lying with his legs on top of a seat, blocking the aisle directly behind the train operator's door. Suspect Herrera had the hood of his sweatshirt pulled over his face and he appeared to be sleeping. Deputy Thomas smelled the odor of alcohol; however, he was unsure if the odor was emitting from Suspect Herrera's person, due to the fact the trains commonly smell like alcohol. Deputy Thomas contacted Suspect Herrera and told him he needed to exit the train. Suspect Herrera slowly got up and exited the train. At this point, Deputy Thomas considered Suspect Herrera cooperative.

As Suspect Herrera exited the train, Deputy Thomas noticed "his gait was off." Suspect Herrera leaned from side to side as he walked. Deputy Thomas was not sure if this was caused by Suspect Herrera being under the influence, or if he was tired from being woken up. Once Suspect Herrera exited the train, Deputy Thomas advised Suspect Herrera he had to leave the platform. Suspect Herrera said, "Oh, fuck you, I'm not leaving." Suspect Herrera walked toward the closed, west end of the platform and Deputy Thomas redirected Suspect Herrera by placing his hands on Suspect Herrera's chest, guiding him toward the public exit

at the east end of the platform. Suspect Herrera did not resist; however, continued to repeatedly say, "Fuck you." Deputy Thomas gave Suspect Herrera several orders to exit the platform. Deputy Thomas believed Suspect Herrera was adamant about getting back on the train.

At this point, Deputy Thomas took a step back and attempted to de-escalate the situation. He asked Suspect Herrera to exit the platform and explained he was giving Suspect Herrera "a pass." Deputy Thomas' intention was to have Suspect Herrera exit the platform on his own volition. He believed if he went "hands-on" with Suspect Herrera, it would ultimately lead to a use of force, which Deputy Thomas was trying to avoid. Based on these facts, coupled with the fact he had not yet observe Suspect Herrera in possession of a weapon, he decided not to pat-down Suspect Herrera for weapons or attempt to place him in handcuffs.

This interaction lasted approximately one minute and Suspect Herrera began to walk around in circles, continuing to say, "Fuck you." Deputy Thomas felt he did not have good control of the situation and attempted to get Suspect Herrera to sit down, with the hope he would eventually calm down. As Suspect Herrera sat down, Deputy Thomas used his handheld radio to request the Monrovia PAX [redacted]

He also requested a sergeant to respond to their location **[Exhibit F, DVD1, Audio, "(2) Req for Sgt."]**.

Deputy Thomas deployed his PR-24 [redacted], and that he needed to comply with their orders to exit the platform. While Suspect Herrera was seated on the bench, Deputy Thomas observed, what he recognized to be, a clip of a knife in Suspect Herrera's right pants pocket. Deputy Thomas announced, "He's got a knife" and ordered Suspect Herrera to keep his hands away from his pockets. Suspect Herrera said, "Yes, I have a knife. Fuck you" and subsequently reached for his right pocket with his right hand. Deputy Thomas, fearing Suspect Herrera was preparing to stab him or Deputy [redacted], used his PR-24 to strike Suspect Herrera one time in an effort to disable Suspect Herrera. Deputy Thomas attempted to strike Suspect Herrera in the hand, which was near his waist. Suspect Herrera simultaneously raised his right knee in what appeared to be a defensive position, causing Deputy Thomas to strike Suspect Herrera in the knee.

The PR-24 strike appeared effective, as it prevented Suspect Herrera from accessing the knife, and he subsequently curled his body into a "round position." Deputy Thomas believed it was safe to approach Suspect Herrera because his hands were "contracted" away from his waistband. Deputy Thomas picked Suspect Herrera up off the bench by grabbing his pants with his right hand, and the hood of his sweatshirt with his left hand. He subsequently placed Suspect Herrera on the ground.

IAB Note: During the interview, Deputy Thomas recalled taking Suspect Herrera to the ground by himself, and did not remember what Deputy [redacted] was doing at that point. After reviewing video surveillance footage of the incident, Deputy Thomas recalled Deputy [redacted] assisting him in taking Suspect Herrera to the ground.

IAB Note: Deputy Thomas did not recall at what point he broadcast emergency radio traffic advising he and Deputy [redacted] were involved in a fight. The audio recording revealed the time of his transmission was approximately 10:58:58 **[Exhibit F, DVD1, Audio, "(3) 10-33 Traffic"]**. Video surveillance footage of the incident revealed Deputy Thomas appeared to use his radio at approximately 10:58:52, which was approximately eleven seconds after he and Deputy [redacted] took Suspect Herrera to the ground **[Exhibit, F, DVD1, Video, "(1) Cam 1"]**.

Suspect Herrera landed face down on his stomach, with his hands underneath his body near his chest. Deputy [redacted] was on Suspect's Herrera's right side and Deputy Thomas was using his body weight to control Suspect Herrera's shoulders and head. As Deputies Thomas and [redacted] attempted to pull Suspect Herrera's arms out from underneath his body, Suspect Herrera stiffened his body and refused to release his arms. He continued to move his elbows from side to side, preventing Deputies Thomas and [redacted] from gaining control of his arms. Deputy Thomas punched Suspect Herrera several times in the lower back with his right fist, in an effort to get Suspect Herrera to release his hands. Deputy Thomas reached under Suspect Herrera's body with his right arm, between his shoulder and his head, in an effort to retrieve the knife. Deputy Thomas subsequently felt Suspect Herrera bite the top of his right forearm. Deputy Thomas felt pressure and immediate pain. He pulled his arm out from underneath Suspect Herrera's body and saw he was bleeding from his forearm.

Deputy Thomas punched Suspect Herrera in the upper back with his right fist, but could not recall how many times. The punches appeared effective, indicated by Suspect Herrera easing his tension, allowing Deputies Thomas and [redacted] to pull his arms out from underneath his body. Deputy [redacted] subsequently handcuffed Suspect Herrera and he stopped fighting.

Once Suspect Herrera was handcuffed, Deputies Thomas and [redacted] sat Suspect Herrera upright and Deputy Thomas requested fire department personnel respond to their location **[Exhibit F, DVD1, Audio, "(4) Req. for 902R"]**. Shortly thereafter, deputies from Temple Station arrived and escorted Suspect Herrera down the platform so he could be treated by fire department personnel.

Deputy Thomas did not observe any injuries to Suspect Herrera; however, Suspect Herrera complained of pain to his leg.

Deputy Thomas heard Deputy [redacted] complain of pain to his knee. Deputy Thomas did not observe any injuries to Deputy [redacted].

As a result of the incident, Deputy Thomas sustained an approximate four inch laceration to his right forearm, a "boxer's fracture" to his right hand, and a ruptured bicep tendon to his left shoulder.

Deputy Thomas reported the force he used and the force he witnessed to Sergeant Moore.

DEPUTY [redacted]

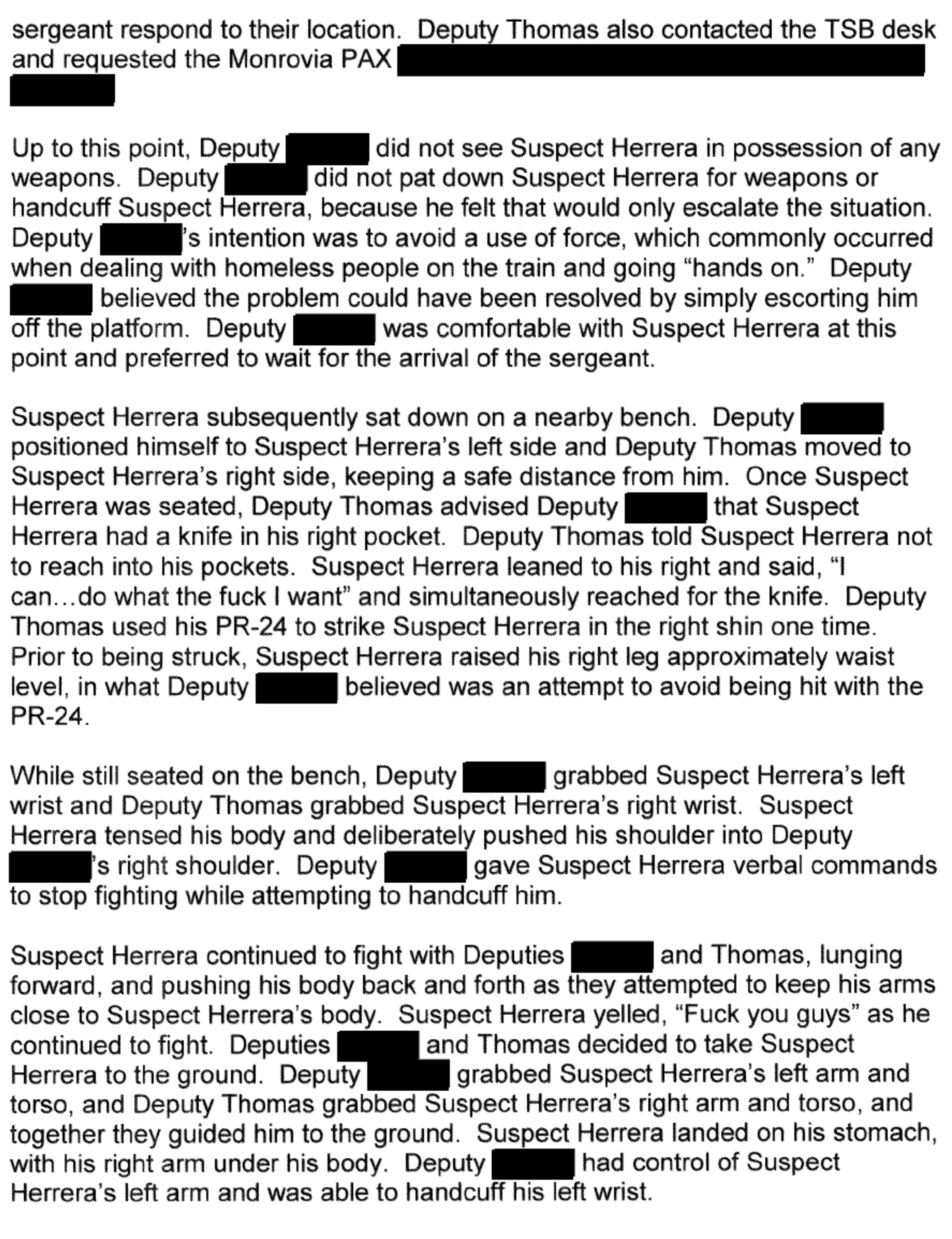
On January 14, 2020, IAB Sergeants Jeremy Carr and Raymond Jones interviewed Deputy [redacted] at the Internal Affairs Bureau. Deputy [redacted] was represented by attorney Sherry Lawrence from Stone Busailah, LLP. The audio file and transcript were submitted with this case. The following is a summary of the interview:

On October 5, 2019, Deputies [redacted] and Thomas were assigned to the TSB El Monte Station. They were working as unit 658F, a two-man unit. Unit 658F is responsible for the Metro Gold Line stations between the APU/Citrus Station and the Monrovia PAX. Deputies [redacted] and Thomas worked together for approximately two years.

At approximately 1030 hours, Deputies [redacted] and Thomas received a call for service regarding a person on the train acting belligerent and lying on the floor. Deputies [redacted] and Thomas responded to the Monrovia PAX from the Duarte Station, which is one stop before the Monrovia PAX, and waited for the train to arrive. Upon the arrival of the train, Deputies [redacted] and Thomas entered the train and approached Suspect Herrera. Suspect Herrera was sleeping, and lying down with his legs resting on the seats across the aisle, blocking the train operator's door. Deputy [redacted] smelled a strong odor of alcohol emitting from the area of where Suspect Herrera was lying; however, it was not uncommon for the trains to smell like alcohol, and Deputy [redacted] was unable to determine if the smell was emitting from Suspect Herrera's person.

Deputies [redacted] and Thomas woke Suspect Herrera up, announced they were deputy sheriffs, and asked him to exit the train. Suspect Herrera initially refused, indicating he did not have to exit the train; however, he eventually complied.

As Suspect Herrera exited the train, Deputy [redacted] noticed Suspect Herrera walked with an "unsteady gait" and appeared "a little dazed." Deputies [redacted] and Thomas asked Suspect Herrera to exit the platform and leave the area. Suspect Herrera became uncooperative and refused to exit the platform. He walked around stating, "I don't have to." Based on Suspect Herrera's uncooperative behavior, Deputy Thomas used his handheld radio to request a



sergeant respond to their location. Deputy Thomas also contacted the TSB desk and requested the Monrovia PAX [redacted]

Up to this point, Deputy [redacted] did not see Suspect Herrera in possession of any weapons. Deputy [redacted] did not pat down Suspect Herrera for weapons or handcuff Suspect Herrera, because he felt that would only escalate the situation. Deputy [redacted]'s intention was to avoid a use of force, which commonly occurred when dealing with homeless people on the train and going "hands on." Deputy [redacted] believed the problem could have been resolved by simply escorting him off the platform. Deputy [redacted] was comfortable with Suspect Herrera at this point and preferred to wait for the arrival of the sergeant.

Suspect Herrera subsequently sat down on a nearby bench. Deputy [redacted] positioned himself to Suspect Herrera's left side and Deputy Thomas moved to Suspect Herrera's right side, keeping a safe distance from him. Once Suspect Herrera was seated, Deputy Thomas advised Deputy [redacted] that Suspect Herrera had a knife in his right pocket. Deputy Thomas told Suspect Herrera not to reach into his pockets. Suspect Herrera leaned to his right and said, "I can…do what the fuck I want" and simultaneously reached for the knife. Deputy Thomas used his PR-24 to strike Suspect Herrera in the right shin one time. Prior to being struck, Suspect Herrera raised his right leg approximately waist level, in what Deputy [redacted] believed was an attempt to avoid being hit with the PR-24.

While still seated on the bench, Deputy [redacted] grabbed Suspect Herrera's left wrist and Deputy Thomas grabbed Suspect Herrera's right wrist. Suspect Herrera tensed his body and deliberately pushed his shoulder into Deputy [redacted]'s right shoulder. Deputy [redacted] gave Suspect Herrera verbal commands to stop fighting while attempting to handcuff him.

Suspect Herrera continued to fight with Deputies [redacted] and Thomas, lunging forward, and pushing his body back and forth as they attempted to keep his arms close to Suspect Herrera's body. Suspect Herrera yelled, "Fuck you guys" as he continued to fight. Deputies [redacted] and Thomas decided to take Suspect Herrera to the ground. Deputy [redacted] grabbed Suspect Herrera's left arm and torso, and Deputy Thomas grabbed Suspect Herrera's right arm and torso, and together they guided him to the ground. Suspect Herrera landed on his stomach, with his right arm under his body. Deputy [redacted] had control of Suspect Herrera's left arm and was able to handcuff his left wrist.

While on the ground, Deputy Thomas used his handheld radio and broadcast they were involved in a fight. Suspect Herrera continued to fight, kicking his legs and attempting to push his torso up off the ground. Suspect Herrera's right hand was still underneath his body, near the right pants pocket that housed the knife.

At this point, Deputy [redacted] was able to see the clip of the knife protruding from Suspect Herrera's front right pants pocket.

Deputy Thomas, in what Deputy [redacted] believed to be an effort to get Suspect Herrera to release his right arm in order to be handcuffed, punched Suspect Herrera between four and five times in the lower back. Deputy [redacted] believed the punches were effective, because within approximately fifteen seconds, Deputy [redacted] was able to gain control of Suspect Herrera's right arm and place him in handcuffs. Once Suspect Herrera was handcuffed, he stopped fighting, and Deputies [redacted] and Thomas sat him upright and placed him against an adjacent gate. Deputy Thomas subsequently requested fire department personnel respond to their location.

Deputy [redacted] was equipped with Oleoresin Capsicum spray (OC spray) and a Taser. He did not use his OC spray because he did not want to possibly contaminate Deputy Thomas. Deputy [redacted] elected to not employ his Taser because he, Deputy Thomas, and Suspect Herrera were in "close quarters" and Suspect Herrera was wearing baggy clothing.

Deputy [redacted] did not use any force other than a takedown and control holds. Besides, the PR-24 strike, control holds and the approximately four to five punches, he did not witness any additional force used by Deputy Thomas. Other than the shoulder strike he used to strike Deputy [redacted], Suspect Herrera did not punch, kick, or hit Deputies [redacted] or Thomas. Deputy [redacted] later learned Deputy Thomas was bit by Suspect Herrera; however, Deputy [redacted] was unaware how or when that occurred.

Deputy [redacted] did not observe any injuries to Suspect Herrera; however, he did hear him complain of pain to his right shin. Suspect Herrera was treated by fire department personnel at the scene and subsequently transported to a nearby hospital.

Deputy [redacted] observed Deputy Thomas bleeding from one of his forearms, but could not recall which one. He did not observe any other injuries to Deputy Thomas. Deputy Thomas was treated at the scene by fire department personnel and subsequently transported to a nearby hospital.

Deputy [redacted] complained of pain to his left knee, lower back and right shoulder. He was treated at the scene by fire department personnel and subsequently transported to a nearby hospital.

> **IAB Note:** Deputy [redacted] recalled he and Deputy Thomas were transported to Huntington Memorial Hospital; however, they, along with Suspect Herrera, were all transported to Arcadia Methodist Hospital.

Deputy [redacted] reported the force he used and the force he witnessed to Sergeant Moore.

Deputy [redacted] noticed civilians on the platform to the right (east) of where the incident took place; however, once their train arrived, they entered the train and left the location.

WITNESS STATEMENTS

SERGEANT DELBERT MOORE

On January 6, 2020, and February 11, 2020, IAB Sergeant Jeremy Carr interviewed Sergeant Moore at the TSB El Monte Station. The audio files and transcripts were submitted with this case. The following is a summary of the interview:

On October 5, 2019, at what he initially recalled to be approximately 0700 hours, Sergeant Moore heard, via his handheld radio, an SCC dispatcher request a sergeant respond to the Monrovia PAX regarding deputies detaining an uncooperative suspect.

> **IAB Note:** Sergeant Moore was read the Department video admonishment, and after reviewing video surveillance footage of the incident, he recalled the time of the incident was approximately 1100 hours, as opposed to 0700 hours. He also recalled being in the briefing room at the time; however, the morning briefing had already concluded.

Approximately one minute later, Sergeant Moore heard a deputy broadcast emergent radio traffic, advising he was involved in a fight. Sergeant Moore responded from the TSB El Monte Station, which was located approximately ten miles from the Monrovia PAX.

Sergeant Moore arrived at the Monrovia PAX within approximately twenty minutes. Upon his arrival, Sergeant Moore saw several deputies from TSB and Temple Station on the south platform. Suspect Herrera was on the platform, handcuffed. Sergeant Moore did not initially recall fire department personnel present when he arrived, and believed they arrived between seven and ten minutes after he did. After reviewing video surveillance footage of his arrival, Sergeant Moore recalled personnel from the Monrovia Fire Department were already present on the platform and treating Suspect Herrera when he arrived **[Exhibit F, DVD1, "(2) Cam 9 1050-1115", 11:13:27]**. Sergeant Moore attributed his confusion to the fact there was a delay in the arrival of the ambulances, which were to transport Deputies Thomas and [redacted], and Suspect Herrera to Arcadia Methodist Hospital.

Sergeant Moore recalled Suspect Herrera was "pretty agitated and he was pretty inebriated on alcohol." Sergeant Moore based his determination on the fact Suspect Herrera was argumentative and his face was flushed. Suspect Herrera was sweating profusely, slurring his words, and had a strong odor of alcohol emitting from his person. Suspect Herrera appeared to be directing his anger, via fixated stares, toward Deputy Thomas. Sergeant Moore subsequently removed Deputies Thomas and [redacted] from the situation, hoping to calm Suspect Herrera. Sergeant Moore designated Deputy Juan Lopez, #[redacted] (Deputy Lopez), who he considered to have a "good demeanor" and already developed a good rapport with Suspect Herrera, to stand next to him. Sergeant Moore also designated Deputy Lopez to ride in the ambulance with Suspect Herrera when transported to Arcadia Methodist Hospital. Sergeant Moore did not initially observe any injuries to Suspect Herrera and did not recall him complaining of any injuries.

Sergeant Moore observed a "very deep bite mark" to Deputy Thomas' right forearm, which was bleeding significantly. Deputy Thomas also complained of shoulder pain. Sergeant Moore observed Deputy [redacted] walking with an obvious limp. Deputy [redacted] complained of pain to one of his shoulders and one of his knees.

Deputies Thomas and [redacted], and Suspect Herrera were treated for their injuries at the scene by Monrovia Fire Department personnel. They were all transported, via ambulance, to Arcadia Methodist Hospital, where they received additional treatment for their injuries. At the hospital, Sergeant Moore learned Suspect Herrera sustained a fracture to one of his legs. He notified his watch commander, Lieutenant Judy Hebb, #[redacted], of the injury, who subsequently notified IAB.

Sergeant Moore did not witness any force used by Deputies Thomas or [redacted], nor did he direct anyone to use force. Besides Deputies Thomas and [redacted], no other Department personnel reported witnessing or using force to Sergeant Moore. Sergeant Moore canvassed the area in an effort to locate potential civilian witnesses, and was met with negative results.

DEPUTY GUSTAVO VEGA

On December 12, 2019, IAB Sergeant Jeremy Carr interviewed Deputy Vega at Temple Station. The audio file and transcript were submitted with this case. The following is a summary of the interview:

On October 12, 2019, Deputy Vega was assigned to Temple Station, working out of the city of Duarte satellite station. Deputy Vega was working Unit 58, a single-man unit on day shift. Deputy Vega heard, via his Department issued radio, an SCC dispatcher requesting units respond to the Monrovia PAX regarding TSB

deputies involved in a fight. Deputies Vega and Yoo responded to the Monrovia PAX, in tandem, and arrived within approximately five minutes.

Upon arrival, Deputies Vega and Yoo located Deputies Thomas and [redacted] at the west end of the platform. Deputy Vega observed Suspect Herrera was handcuffed, lying on the ground on his stomach. A folding-knife was on the ground, between five and ten inches away from Suspect Herrera. Deputy Vega also observed Deputy Thomas bleeding from one of his arms, but did not recall which arm. Deputy Vega observed blood on Suspect Herrera's clothing; however, he was unable to determine if Suspect Herrera was bleeding, nor did Deputy Vega observe any injuries to Suspect Herrera.

Deputies Vega and Yoo assisted Suspect Herrera to his feet and escorted him down the platform, in order to be treated by responding fire department personnel. While escorting Suspect Herrera, Deputy Vega noticed he was limping; however, Deputy Vega did not recall which leg Suspect Herrera favored. Suspect Herrera's demeanor was aggressive and he used "vulgar language" toward the deputies, and indicated he was hit for no reason. Suspect Herrera became cooperative once he was treated by fire department personnel. Deputy Vega recalled Suspect Herrera receiving treatment on one of his legs. Deputy Vega observed Deputy Thomas being treated by fire department personnel at the scene and was subsequently transported to a local hospital.

Deputy Vega did not know if Suspect Herrera was under the influence of alcohol or narcotics. He did not recall smelling the odor of alcohol emitting from Suspect Herrera's breath or person.

Deputy Vega did not use any force, nor did he witness anyone use force.

DEPUTY DAVID YOO

On December 12, 2019, IAB Sergeant Jeremy Carr interviewed Deputy Yoo at the city of Duarte satellite station. The audio file and transcript were submitted with this case.

On October 5, 2019, Deputy Yoo was assigned to Temple Station, working out of the city of Duarte satellite station. Deputy Yoo was working Unit 58T1, a single-man unit on day shift. Near the middle of his shift, Deputy Yoo heard, via his hand-held radio, an SCC dispatcher requesting units to respond to the Monrovia PAX regarding a deputy involved in a fight. Deputies Yoo and Vega responded to the Monrovia PAX in tandem from the Duarte satellite station, and arrived within approximately five minutes.

Upon arrival, Deputies Yoo and Vega located Deputies Thomas and [redacted] at the west end of the south platform. Deputy Yoo observed Deputy Thomas bleeding from one of his arms, but could not recall which arm. Deputy Yoo

noticed Deputy [redacted] walked with a limp; however, he could not recall which leg Deputy [redacted] favored. Deputies Thomas and [redacted] were standing behind Suspect Herrera, who was lying on the ground with his hands cuffed behind his back. Suspect Herrera was lying on his right side with his legs facing east. Deputy Yoo observed a knife on the ground approximately three feet to the east of Suspect Herrera.

Deputies Yoo and Vega assisted Suspect Herrera to his feet. As they escorted him off the platform, Deputy Yoo noticed Suspect Herrera appeared to be having difficulty walking. Deputy Yoo was unaware Suspect Herrera was injured, and based on Suspect Herrera's aggressive and argumentative behavior, Deputy Yoo could not determine if Suspect Herrera was being uncooperative, or if he was in fact injured. Deputy Yoo did not see any injuries to Suspect Herrera, nor did he hear him complain of any injuries.

Deputies Yoo and Vega assisted Suspect Herrera in walking to the east end of the platform, where they were met by fire department personnel. Suspect Herrera was treated for his injuries at the scene and subsequently transported to a local hospital. Deputy Yoo also observed Deputy Thomas being treated at the scene by fire department personnel for his injured hand. Deputy [redacted] was also treated at the scene; however, Deputy Yoo did not know what injuries he was treated for.

Deputy Yoo did not know if Suspect Herrera was under the influence of alcohol or narcotics. He did not recall smelling the odor of alcohol emitting from Suspect Herrera's breath or person.

Deputy Yoo did not use any force, nor did he witness anyone use force.

NON-EMPLOYEE WITNESS JOSE SORIANO

On January 8, 2020, IAB Sergeant Jeremy Carr interviewed Witness Soriano at the Metro Gold Line Division 21 Baker yard, in the city of Los Angeles. The audio file and transcript were submitted with this case. The following is a summary of the interview:

On October 5, 2019, Witness Soriano was the train operator for the Metro Gold Line.

> **IAB Note:** The Metro Gold Line is a thirty-one mile light rail train that runs from the city of Azusa to East Los Angeles. It is operated by the Los Angeles County Metropolitan Transportation Authority (MTA).

Witness Soriano was preparing to depart from the APU/Citrus Station when he noticed Suspect Herrera sleeping in the seats directly behind the train operator's cab door. Suspect Herrera's scooter was blocking the door, preventing Witness

Soriano from entering the train operator's cab, which is a safety hazard. Witness Soriano told Suspect Herrera he could not sleep there because of the safety concern. Suspect Herrera ignored him and did not move. Witness Soriano asked Suspect Herrera again to move and Suspect Herrera got up and became angry. When Witness Soriano entered the train operator's cab, Suspect Herrera began banging on the door and screaming profanities at him. Suspect Herrera threatened to assault Witness Soriano and challenged him to fight.

Suspect Herrera continued to scream at Witness Soriano for the next two stops, which included the Azusa Downtown and Irwindale Stations. Witness Soriano notified the Metro Gold Line Control Center of the situation, who in turn notified the Sheriff's Department.

Upon arrival at the Monrovia PAX, Witness Soriano flagged down Deputies Thomas and [redacted], who were already on the platform, and directed them to Suspect Herrera. When Deputies Thomas and [redacted] contacted Suspect Herrera, he was uncooperative; however, he exited the train on his own. Once off the train, Suspect Herrera appeared to be attempting to "lunge" and spit at the train operator's cab window. Witness Soriano never actually saw Suspect Herrera spit at the window. One of the deputies stuck his hand out and prevented Suspect Herrera from advancing toward the train. Witness [redacted] could not recall which deputy did this. Witness Soriano noticed Suspect Herrera had a knife in his pocket. Witness Soriano saw the deputies walk Suspect Herrera away from the train, toward an adjacent fence, and spoke to him. Witness Soriano subsequently departed the Monrovia PAX.

Witness Soriano did not witness any force used by Deputies Thomas and [redacted], nor did he see Suspect Herrera assault either deputy.

Witness Soriano was unable to determine if Suspect Herrera was under the influence of drugs or alcohol; however, Witness Soriano had encountered several drunk patrons throughout his approximate ten years of employment as a bus, and/or train operator, and Suspect Herrera's behavior was consistent with those encounters.

SUSPECT STATEMENT

MARIO HERRERA

On October 5, 2019, Sergeant Jeremy Carr and Lieutenant David Grall interviewed Suspect Herrera in the Arcadia Methodist Hospital emergency room. The audio file and transcript were submitted with this case. The following is a summary of the interview:

On October 5, 2019, Suspect Herrera was riding a Metro Gold Line train and fell asleep. Upon arriving at the APU/Citrus Station, Suspect Herrera was awakened

by the train operator who told him to sit somewhere else on the train. Suspect Herrera could not recall, but believed he was told to move because he had his feet up on the seat. When Suspect Herrera moved and sat down in another seat, the train operator told Suspect Herrera he was going to call the sheriffs.

After approximately three stops, to what he remembered to be either the Arcadia or Monrovia Station, Suspect Herrera was approached by two deputies. Suspect Herrera described the deputies as a male Black wearing a tan shirt and green pants (Deputy [redacted]), and a male White wearing a green outer vest and green pants (Deputy Thomas). The deputies asked Suspect Herrera to exit the train and he complied. Once off the train, Deputies Thomas and [redacted] told Suspect Herrera he could no longer ride the train. Suspect Herrera plead his case, explaining he had no money because he was robbed the night before; however, he still needed to ride the train to get home. Deputies Thomas and [redacted] refused to let him back on the train.

While speaking to Deputies Thomas and [redacted], Deputy Thomas noticed he (Suspect Herrera) had a knife in the front right pocket of his jeans. Suspect Herrera explained to the deputies he used the knife for his work. Deputy Thomas told him not to touch the knife. Suspect Herrera, who was now seated on a bench, stood up and lifted the right side of his shirt with his right hand, in an attempt to show Deputy Thomas the knife was for his work. Deputy Thomas subsequently struck Suspect Herrera on the right shin "two or three times" with his baton.

> **IAB Note:** Video surveillance footage revealed Suspect Herrera was seated on a bench when he reached for the knife with his right hand. He never stood up, and Deputy Thomas struck Suspect Herrera once with his PR-24, while Suspect Herrera remained seated **[Exhibit F, DVD1, "(1) Cam 1", 10:58:32]**.

Suspect Herrera fell onto the bench and Deputy Thomas subsequently pushed him face down on the ground. While on the ground, Deputy Thomas placed his chest on Suspect Herrera's back and Deputy [redacted] placed Suspect Herrera's hands behind his back and handcuffed him. Once handcuffed, Deputy Thomas used his right hand to hit Suspect Herrera in the back left side of his head "four or five times." Suspect Herrera was subsequently taken into custody and escorted down the platform, where he waited the arrival of fire department personnel to treat him for his injuries.

Suspect Herrera denied reaching for or touching his knife. He denied fighting with the deputies, and denied wiggling around or attempting to get up off the ground. He stated he was cooperative and placed his hands behind his back. Suspect Herrera denied hearing any verbal commands to "stop fighting" or any other verbal commands. Suspect Herrera heard Deputy Thomas say he was

going to take him to jail. He also heard Deputy Thomas say he (Suspect Herrera) bit him. Suspect Herrera denied biting Deputy Thomas.

Suspect Herrera stated he did not ingest any narcotics prior to this incident. He stated he was addicted to methamphetamine; however, he had not used methamphetamine for approximately one year. Suspect Herrera smoked marijuana and drank alcohol. He did not smoke marijuana the day of the incident. Suspect Herrera drank three twenty-two ounce Bud Light beers the night before the incident. He stopped drinking at approximately 2200 hours. Suspect Herrera denied drinking on the day of the incident. Suspect Herrera has never been prescribed psychiatric medication, nor has he ever been treated or housed for mental evaluation.

Suspect Herrera denied having any pre-existing injuries. As a result of the incident, Suspect Herrera sustained a broken right leg, an approximate two-inch abrasion to his left shoulder and upper left torso, and he complained of pain to his back. Suspect Herrera was treated for his injuries at the scene by personnel from the Monrovia Fire Department. He was subsequently transported to Arcadia Methodist Hospital where he received additional treatment for his injuries.